IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 13TH NOVEMBER 2006 / 22ND KARTHIKA 1928

WP(C).No. 29777 of 2006(T)

PETITIONER:

PRAVASI MALAYALEE DEVELOPMENT SOCIETY
LTD. NO.1588, TKP.IV/730/D, MISSION HOSPITAL JN.,
KAZHAKUTTOM P.O., THIRUVANANTHAPURAM-695 582,
REPRESENTED BY ITS HON'BLE SECRETARY
SMT. SUJA JACOB C.

BY ADV. SRI.P.SHRIHARI
SMT.P.VANI

RESPONDENTS:

---

1. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY TO DEPARTMENT OF CO-OPERATIVES,
TRIVANDRUM.

2. JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, THIRUVANANTHAPURAM.

3. REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.

BY SENIOR GOVT. PLEADER SRI.P.N.SANTHOSH (R1 TO R3)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M. JAMES, J.

W.P.(C) No. 29777 of 2006

Dated this the 13th November, 2006.

J U D G M E N T

The petitioner, Pravasi Malayalee Development Society Ltd No.1588, Kazhakuttom P.O., Thiruvananthapuram, has filed this writ petition praying to direct the 3rd respondent, the Registrar of Co-operative Societies, Thiruvananthapuram, to register the bye-law amendment, as was recommended by the second respondent, the Joint Registrar of Co-operative Societies, Thiruvananthapuram, and also to direct the 3rd respondent to follow its own circular, as contained in Ext.P5.

2. I heard the arguments advanced by both sides. The learned Senior Government Pleader submitted that in case, a request for registration of the amendment of the bye-laws of the Society is made to the Registrar, under Section 12(4A) of the Kerala Co-operative Societies Act, 1969, in short 'the Act', the said application has to be disposed of within 90 days from the date of receipt of the same. However, sub-section (4B) of Section 12 of the Act further describe as to what is the procedure, when the application for the

registration of the amendment of the bye-laws is not disposed of within 90 days. Under clause (b) of Sub-section (4B) of Section 12 of the Act, if the application for amendment is not disposed of within 90 days, a representation shall be made before the Government, provided, such an application to accept the amendment of the bye-laws for registration is made before the Registrar. The Government, shall, within 60 days from the date of receipt of such representation, issue direction to the authority concerned, to dispose of the application.

3. As per the above provisions in the Act, the appropriate remedy for the petitioner is to approach the Registrar or the Government, as the case may be, as per Section 12(4B)(a) or (b) of the Act. A writ petition will not be maintainable in such circumstances. Accordingly, this writ petition is closed.

J.M. JAMES,
JUDGE

nj.